

JS 44C/SDNY
REV. 12/2005

JUDGE HOLWELL

CIVIL COVER SHEET

08 CIV. 4216

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS NATHAN OTTERSON

DEFENDANTS GOLD COAST FREIGHTWAYS, INC. and RAUL SOTO

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Edelman & Edelman, P.C. 212-943-1200
61 Broadway, Suite 3010, New York, NY 10006

ATTORNEYS (IF KNOWN)

Wilson Elser Moskowitz Edelman & Dicker, LLP
3 Gannett Drive, White Plains, NY 10604
914 323 7000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)

28 U.S.C. 1332 and 28 U.S.C. 1441
Diversity of citizenshipHas this or a similar case been previously filed in SDNY at any time? No ☒ Yes? ☐ Judge Previously AssignedIf yes, was this case Vol ☐ Invol. ☐ Dismissed. No ☐ Yes ☐ If yes, give date _____ & Case No. _____

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

ACTIONS UNDER STATUTES

TORTS		FORFEITURE/PENALTY		BANKRUPTCY		OTHER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	LABOR	LABOR	LABOR	LABOR	LABOR
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE	[] 422 APPEAL	[] 400 STATE	[] 400 STATE	[] 400 STATE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	MED MALPRACTICE	[] 620 FOOD & DRUG	28 USC 158	REAPPORTIONMENT	REAPPORTIONMENT	REAPPORTIONMENT
[] 130 MILLER ACT	LIABILITY	[] 365 PERSONAL INJURY	[] 625 DRUG RELATED	[] 423 WITHDRAWAL	[] 410 ANTITRUST	[] 410 ANTITRUST	[] 410 ANTITRUST
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	PRODUCT LIABILITY	SEIZURE OF	28 USC 157	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING	[] 430 BANKS & BANKING
INSTRUMENT	SLANDER	ASBESTOS PERSONAL	PROPERTY		[] 450 COMMERCE/ICC	[] 450 COMMERCE/ICC	[] 450 COMMERCE/ICC
[] 150 RECOVERY OF	[] 330 FEDERAL	INJURY PRODUCT	21 USC 881	PROPERTY RIGHTS	[] 460 DEPORTATION	[] 460 DEPORTATION	[] 460 DEPORTATION
OVERPAYMENT &	EMPLOYERS'	LIABILITY	[] 630 LIQUOR LAWS	[] 820 COPYRIGHTS	[] 470 RACKETEER INFLU-	[] 470 RACKETEER INFLU-	[] 470 RACKETEER INFLU-
ENFORCEMENT OF	LIABILITY		[] 640 RR & TRUCK	[] 830 PATENT	ENCED & CORRUPT	ENCED & CORRUPT	ENCED & CORRUPT
JUDGMENT	[] 340 MARINE	PERSONAL PROPERTY	[] 650 AIRLINE REGS	[] 840 TRADEMARK	ORGANIZATION ACT	ORGANIZATION ACT	ORGANIZATION ACT
[] 151 MEDICARE ACT	[] 345 MARINE PRODUCT	[] 370 OTHER FRAUD	[] 660 OCCUPATIONAL		[] 480 CONSUMER CREDIT	[] 480 CONSUMER CREDIT	[] 480 CONSUMER CREDIT
[] 152 RECOVERY OF	LIABILITY	[] 371 TRUTH IN LENDING	SAFETY/HEALTH	SOCIAL SECURITY	[] 490 CABLE/SATELLITE TV	[] 490 CABLE/SATELLITE TV	[] 490 CABLE/SATELLITE TV
DEFAULTED	[x] 350 MOTOR VEHICLE	[] 380 OTHER PERSONAL	[] 690 OTHER	[] 881 MIA (1395FF)	[] 500 SECURITIES/	[] 500 SECURITIES/	[] 500 SECURITIES/
STUDENT LOANS	[] 355 MOTOR VEHICLE	PROPERTY DAMAGE		[] 882 BLACK LUNG (923)	COMMODITIES/	COMMODITIES/	COMMODITIES/
(EXCL VETERANS)	PRODUCT LIABILITY	PROPERTY DAMAGE	[] 710 FAIR LABOR	[] 863 DIWC (405(g))	EXCHANGE	EXCHANGE	EXCHANGE
[] 153 RECOVERY OF	[] 360 OTHER PERSONAL	PRODUCT LIABILITY	[] 720 LABOR/MGMT	[] 864 DIWW (405(g))	[] 875 CUSTOMER	[] 875 CUSTOMER	[] 875 CUSTOMER
OVERPAYMENT OF	INJURY		RELATIONS	[] 864 SSID TITLE XVI	CHALLENGE	CHALLENGE	CHALLENGE
VETERANS BENEFITS			REPORTING &	[] 865 RSI (405(g))	12 USC 3410	12 USC 3410	12 USC 3410
[] 160 STOCKHOLDERS SUITS			DISCLOSURE ACT		[] 891 AGRICULTURE ACTS	[] 891 AGRICULTURE ACTS	[] 891 AGRICULTURE ACTS
[] 190 OTHER CONTRACT			RAILWAY LABOR ACT	FEDERAL TAX SUITS	[] 892 ECONOMIC	[] 892 ECONOMIC	[] 892 ECONOMIC
[] 195 CONTRACT PRODUCT			OTHER LABOR	[] 870 TAXES	[] 893 ENVIRONMENTAL	[] 893 ENVIRONMENTAL	[] 893 ENVIRONMENTAL
LIABILITY			LITIGATION	[] 871 IRS-THIRD PARTY	MATTERS	MATTERS	MATTERS
[] 196 FRANCHISE			[] 791 EMPL RET INC	20 USC 7609	[] 894 ENERGY	[] 894 ENERGY	[] 894 ENERGY
			SECURITY ACT		ALLOCATION ACT	ALLOCATION ACT	ALLOCATION ACT
					[] 895 FREEDOM OF	[] 895 FREEDOM OF	[] 895 FREEDOM OF
					INFORMATION ACT	INFORMATION ACT	INFORMATION ACT
					[] 900 APPEAL OF FEE	[] 900 APPEAL OF FEE	[] 900 APPEAL OF FEE
					DETERMINATION	DETERMINATION	DETERMINATION
					UNDER EQUAL ACCESS	UNDER EQUAL ACCESS	UNDER EQUAL ACCESS
					TO JUSTICE	TO JUSTICE	TO JUSTICE
					[] 950 CONSTITUTIONALITY	[] 950 CONSTITUTIONALITY	[] 950 CONSTITUTIONALITY
					OF STATE STATUTES	OF STATE STATUTES	OF STATE STATUTES
					[] 890 OTHER STATUTORY	[] 890 OTHER STATUTORY	[] 890 OTHER STATUTORY
					ACTIONS	ACTIONS	ACTIONS

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____ JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: ☒ YES ☐ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(SEE REVERSE)

(PLACE AN X IN ONE BOX ONLY)

ORIGIN

- ☐ 1 Original Proceeding
 ☒ 2a. Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ 2b. Removed from State Court
 AND at least one party is a pro se litigant

(PLACE AN X IN ONE BOX ONLY)

BASIS OF JURISDICTION

 IF DIVERSITY, INDICATE
 CITIZENSHIP BELOW.
 (28 USC 1332, 1441)

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☐ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☒ 4 DIVERSITY

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF DEF <input checked="" type="checkbox"/> 1 <input type="checkbox"/> 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF <input type="checkbox"/> 3 <input type="checkbox"/> 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF DEF <input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
CITIZEN OF ANOTHER STATE	<input type="checkbox"/> 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	<input type="checkbox"/> 4 <input type="checkbox"/> 4	FOREIGN NATION	<input type="checkbox"/> 6 <input type="checkbox"/> 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Nathan Otterson
 4830 Vernon Boulevard
 Long Island City, New York 11101
 Queens County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Gold Coast Freightways, Inc.,
 12250 NW 28th Avenue, Miami, FL 33167
 Dade County

Raul Soto
 129 Brill Street, 2nd Floor, Newark, NJ 07105
 Essex County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ FOLEY SQUARE
 (DO NOT check either box if this a PRISONER PETITION.)

DATE

SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

May 1, 2008

☐ NO
☒ YES (DATE ADMITTED Mo. 10 Yr. 2000)
 Attorney Bar Code # DB 1084

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge

is so designated.

J Michael McMahon, Clerk of Court by

Deputy Clerk, DATED

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NATHAN OTTERSON,

Plaintiff,

-against-

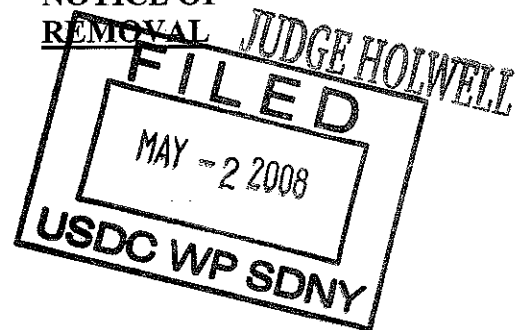
GOLD COAST FREIGHTWAYS, INC.
and RAUL SOTO,

Defendants.
-----X

Civil Action No.:

08 CIV. 4216

NOTICE OF
REMOVAL



TO: THE HONORABLE JUDGES OF THE UNITED STATES DISTRICT
COURT FOR THE SOUTHERN DISTRICT OF NEW YORK

Defendants-Petitioners, GOLD COAST FREIGHTWAYS, INC. and RAUL

SOTO, file this notice to remove the foregoing case to the United States District Court for
the Southern District of New York, New York division, and respectfully show this Court:

1. A civil action was commenced in the Supreme Court of the Bronx County,
State of New York, in which the above-named individual, NATHAN OTTERSON, is the
plaintiff and the petitioners are the defendants. The action is entitled, Nathan Otterson v.
Gold Coast Freightways, Inc. and Raul Soto, and bears Index Number 302333/08.

2. This is a civil action seeking damages arising out of a motor
vehicle/pedestrian accident allegedly caused by the petitioners' negligence. The plaintiff
alleges personal injuries. The addendum demands an amount which exceeds the
jurisdictional limits of all lower Courts. Accordingly, the amount in controversy in this
suit is in excess, exclusive of interest and costs, of \$75,000.

3. This action involves a controversy between a citizen of the State of New
York, a Florida Corporation and a citizen of the State of New Jersey in that: (a) the

plaintiff Nathan Otterson, is now, and was at the time said action was commenced, a resident and domiciliary of the State of New York, (b) petitioner Gold Coast Freightways, Inc. was at the time of the accident and remains a Florida corporation with its principal place of business in that State and (c) defendant Raul Soto was at the time of the accident and remains a resident and domiciliary of the State of New Jersey.

4. The above action was commenced against defendants-petitioners on or after April 4, 2008.

5. No proceedings have occurred in the state court action, and the defendants have not yet appeared in that action.

6. Said action is one of which the District Courts of the United States have original jurisdiction under 28 U.S.C. § 1332 and 28 U.S.C. § 1441. There is complete diversity of citizenship between the plaintiff Nathan Otterson and the defendants-petitioners.

7. Defendants, Gold Coast Freightways, Inc. and Raul Soto are the petitioners for the removal of this case to this Court.

8. Defendant Gold Coast Freightways, Inc. was served with the Summons and Complaint via the Secretary of State on April 4, 2008, defendant Raul Soto has not yet been served. Accordingly, this motion is timely.

9. Written filing of this motion will be given to the plaintiff promptly after the filing of this motion, as is required by law.

10. A true and correct copy of this motion will be filed with the Clerk of the Supreme Court of Bronx County, State of New York promptly after the filing of this motion, as is required by law.

11. Attached to this motion, and by reference made a part hereof, are true and correct copies of all process, pleadings and orders filed in the aforesaid action.

12. By filing this Notice of Removal, petitioners do not waive any defense which may be available to them, specifically including, but not limited to, their right to contest in personam jurisdiction over the petitioners, improper service of process upon the petitioners, and the absence of venue in this Court or in the court from which the action has been removed.

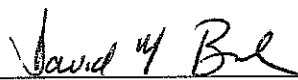
WHEREFORE, petitioners pray that this action proceed in this Court as an action properly removed thereto.

Dated: New York, New York
May 1, 2008

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:



DAVID M. BORDONI (DB1084)
Attorneys for Defendants-Petitioners
GOLD COAST FREIGHTWYS, INC.
and RAUL SOTO
3 Gannett Drive
White Plains, NY 10604
(914) 323-7000
File No.: 00775.00062

To: Alan Landa, Esq.
EDELMAN & EDELMAN, P.C.
Attorneys for Plaintiff
61 Broadway, Suite 3010
New York, New York 10006
(212) 943-1200

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
NATHAN OTTERSON,

Civil Action No.:

Plaintiff,

-against-

RULE 7.1(a)
STATEMENT

GOLD COAST FREIGHTWAYS, INC.
and RAUL SOTO,

Defendants.

-----X

Defendant, Gold Coast Freightways, Inc. is a privately held Florida corporation which has no corporate or other parents, subsidiaries, affiliates, securities, stocks or other interests which are publicly held.

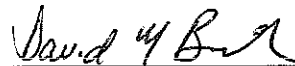
Defendant, Raul Soto is an individual and therefore has no corporate or other parents, subsidiaries, affiliates, securities, stocks or other interests which are publicly held.

Dated: New York, New York
May 1, 2008

Yours etc.,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

By:



DAVID M. BORDONI (DB1084)
Attorneys for Defendants-Petitioners
GOLD COAST FREIGHTWYS, INC.
and RAUL SOTO
3 Gannett Drive
White Plains, NY 10604
(914) 323-7000
File No.: 00775.00062

To: Alan Landa, Esq.
EDELMAN & EDELMAN, P.C.
Attorneys for Plaintiff
61 Broadway, Suite 3010
New York, New York 10006
(212) 943-1200

AETNA

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

NATHAN OTTERSON,

Plaintiff,

against

GOLD COAST FREIGHTWAYS, INC.,
and RAUL SOTO

Defendants.
_____X

Index No.: 302333-08

Date

Purchased: _____

SUMMONS

Plaintiff designates Bronx
County as the place of trial.

The basis of venue is:
location of incident

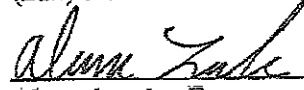
Plaintiff resides at:
4820 Vernon Blvd.,
Long Island City, N.Y. 11101

To the above named Defendant(s):

You are hereby summoned to answer the complaint in this action, and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance on the Plaintiff's attorneys within twenty days after the service of this summons, exclusive of the day of service, where service is made by delivery upon you personally within the state, or, within 30 days after completion of service where service is made in any other manner. In case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
March 19, 2008

EDELMAN & EDELMAN, P.C.
Attorneys for Plaintiff
61 Broadway, Suite 3010
New York, New York 10006
(212) 943-1200


Alana Landa, Esq.

Defendant's Address:
GOLD COAST FREIGHTWAYS, INC.
160 James Avenue, Jersey City, N.J. 07306
and c/o Secretary of State of New York State (VTL §253)

RAUL SOTO
129 Brill Street, 2nd Fl., Newark, N.J. 07105
and c/o Secretary of State of New York State (VTL §253)

08 MAR 21 AM 10:26
COUNTY CLERK
BRONX COUNTY

RECEIVED

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

NATHAN OTTERSON,

Plaintiff,

-against-

GOLD COAST FREIGHTWAYS, INC.,
and RAUL SOTO,

Defendants.

Index No.: 302333/08

MAR 21 2008

Verified
Complaint

-----X
Plaintiff, by his attorneys, Edelman & Edelman, P.C., sets forth as his Verified Complaint,
upon information and belief, as follows:

1. At all times hereinafter mentioned, the Plaintiff, NATHAN OTTERSON, was and still is a resident of the State of New York, County of Queens.
2. At all times hereinafter mentioned, Defendant GOLD COAST FREIGHTWAYS, INC., was and is a New Jersey State domestic business corporation duly organized under the laws of the State of New Jersey.
3. At all times hereinafter mentioned, Defendant GOLD COAST FREIGHTWAYS, INC. conducted business and commerce in the State of New York.
4. At all times hereinafter mentioned, Defendant GOLD COAST FREIGHTWAYS, INC., was the owner of a 1997 tractor trailer bearing New Jersey State License Plate T42Z1A for the year 2007.
5. At all times hereinafter mentioned, Defendant RAUL SOTO was an employee of Defendant GOLD COAST FREIGHTWAYS, INC. (hereinafter referred to as GOLD COAST).
6. At all times hereinafter mentioned, and particularly on the 1st day of June, 2007, Defendant RAUL SOTO was the operator of the aforesaid motor vehicle.
7. That on the 1st day of June, 2007, Defendant RAUL SOTO was operating the vehicle with the express permission of Defendant GOLD COAST.
8. That on the 1st day of June, 2007, Defendant RAUL SOTO was operating the vehicle with

the implied permission of Defendant GOLD COAST.

9. That on the 1st day of June, 2007, Defendant RAUL SOTO was operating the vehicle while in the course of his employment.
10. At all times hereinafter mentioned, in and about the intersection of Bruckner Boulevard with East 138th Street, City and State of New York, County of Bronx, was and is a public street, roadway and thoroughfare upon which motor vehicles, pedestrians, and bicyclists were permitted to and customarily did traverse and travel.
11. That at all times herein mentioned, and prior to the happening of the occurrence complained of, the Defendant RAUL SOTO was operating the aforesaid vehicle in a northerly direction on Bruckner Boulevard approaching the intersection of East 138th Street.
12. That on the 1st day of June, 2007 and prior to the happening of the occurrence complained of, Plaintiff NATHAN OTTERSON was a bicyclist operating a two-wheel bicycle lawfully upon the aforementioned roadway, in the right-most lane adjacent to the curb.
13. At all times hereinafter mentioned, Plaintiff NATHAN OTTERSON had stopped his bicycle at a red light, at or about the intersection of East 138th Street and Bruckner Boulevard.
14. On Friday June 1, 2007, at approximately 5:00 PM, at the aforementioned location, there was a contact between the motor vehicle being operated by Defendant RAUL SOTO and the Plaintiff herein.
15. That at all times herein mentioned, the motor vehicle being operated by the Defendant RAUL SOTO struck the bicycle upon which Plaintiff NATHAN OTTERSON was positioned, knocked the Plaintiff off the said bicycle and onto the ground, and ran over Plaintiff.
16. That as a result of the happening of the occurrence complained of herein, Plaintiff

NATHAN OTTERSON sustained severe personal injuries.

17. The occurrence aforesaid was the result of the negligence, carelessness, and recklessness of Defendants in the ownership, operation, use and control of the motor vehicle: Defendants negligently, recklessly and carelessly failed to yield the right-of-way to the plaintiff bicyclist; operated the said motor vehicle at an excessive rate of speed under the circumstances and conditions prevailing at the said time and place; allowed said vehicle to veer from the portion of the roadway intended for motor vehicles toward the curb, intended for bicyclists and pedestrians, and in so doing, "side swiped" Plaintiff's bicycle, thereby knocking Plaintiff off said bicycle and onto the pavement; failed to stop at the intersection traffic light, which was indicated red; failed to be reasonably alert; failed to be reasonably observant; Defendant RAUL SOTO failed to see what was there to be seen, to pay attention to the roadway and aware of the presence of a bicyclist properly and lawfully located in the right-most lane; failed to make appropriate and proper use of his senses in the operation of said motor vehicle; failed to check or otherwise make appropriate use of his mirrors or viewing devices; failed to make timely and safe application of the brakes of the said motor vehicle; failed to signal, sound a horn or other warning device; carelessly and recklessly allowed the said motor vehicle to come into contact with the bicycle of the Plaintiff and the body of the Plaintiff with great speed, force and violence thereby knocking Plaintiff off of his bicycle and onto the ground, and proceeding to run over his leg with said vehicle's rear right tires; failed to abide by the rules of the road and the New York State Vehicle and Traffic Laws and New York City Traffic Regulations pertaining herein; failed to use due care and caution in the premises so as to avoid the happening of the occurrence complained of and the resulting injuries to the plaintiff.
18. As a result of the foregoing, plaintiff sustained severe and permanent personal injuries,

with attendant losses and permanent effects on his health, experienced great pain and suffering; was forced undergo medical care and treatment; was incapacitated from his usual duties and activities and was in other ways damaged.

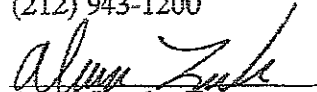
19. That at all times hereinafter mentioned, Plaintiff was free from culpable conduct.
20. Plaintiff has sustained a serious injury as defined in 5102(d) of the Insurance Law, or economic loss greater than basic economic loss as defined in 5102 of the Insurance Law.
21. That this action falls within some or all of the exceptions of CPLR sections 1601(1), 1602(2), 1602(6) and 1602(7).
22. That Plaintiff NATHAN OTTERSON has suffered a serious injury as that term is defined in Section 5102(d) of the Insurance Law and Plaintiff has incurred economic losses greater than basic economic loss as that term is defined in Section 5102(a)(4) of the Insurance Law and has further incurred substantial non-economic loss as that term is defined in Section 5102 (c) of the said Insurance Law.

WHEREFORE, Plaintiff demands judgment against the Defendants on his complaint in a sum of money which after all applicable adjustments for present value and otherwise, pursuant to Article 50-B of the CPLR, exceeds the monetary jurisdiction of all of the lower Courts of the City and State of New York, together with interests, costs and disbursements of this action.

Dated: New York, New York
March 19, 2008

Yours, etc.

Edelman and Edelman, P.C.
Attorneys for Plaintiff
61 Broadway, Suite 3010
New York, New York 10006
(212) 943-1200


Alana Landa, Esq.

ATTORNEY'S VERIFICATION

ALANA LANDA, an attorney admitted to practice in the courts of New York, affirms the truth of the following pursuant to CPLR 2106:

I am a member of the firm of EDELMAN & EDELMAN, P.C., the attorneys of record for the Plaintiff in the within action; I have read the foregoing Complaint and known the contents thereof; the same is true to my own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matters I believe to be true. The reason this verification is made by me and not by the Plaintiff is that the Plaintiff resides in a county other than the county in which our offices are located.

The grounds of my belief as to all matters not stated upon my knowledge are the contents of our investigation of this matter.

Dated: New York, New York
March 19, 2008


ALANA LANDA

EDELMAN & EDELMAN, P.C.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF BRONX

Index No.:

NATHAN OTTERSON,

Plaintiff,

- against -

RAUL SOTO and
GOLD COAST FREIGHTWAYS, INC.,

Defendants.

SUMMONS & VERIFIED COMPLAINT

EDELMAN & EDELMAN, P.C.
Attorneys for Plaintiff
61 Broadway, Suite 3010
New York, New York 10006-2805
(212) 943-1200

Signature pursuant to Rule 130-1.1(a).


Alana Landa, Esq.

Form 45 -

EDELMAN & EDELMAN P.C.

ATTN:

SUPREME COURT BRONX COUNTY

NATHAN OTTERSON

plaintiff

- against -

GOLD COAST FREIGHTWAYS, INC. ETANO

defendant

Index No. 302333/08

Date Filed

Office No.

Court Date: / /

PLEASE TAKE NOTICE that pursuant to the provisions of Section 253/254 of the Vehicle and Traffic Laws of the State of New York, the

SUMMONS AND VERIFIED COMPLAINT

in the above entitled action was served upon you personally on:

4th day of April, 2008 at

by delivering a true copy thereof to the regularly established office of the Secretary of State, of the State of New York, at 123 William St, 19th fl in the Borough of Manhattan, City of New York together with the statutory fee of \$10.00.

And Please Take Further Notice, that we are sending you herewith, by certified mail return receipt requested another true copy of the

SUMMONS AND VERIFIED COMPLAINT

in this action.

Dated: 04/18/2008

Yours truly,

EDELMAN & EDELMAN P.C.
3EE120494

To: GOLD COAST FREIGHTWAYS, INC.

160 JAMES AVE
JERSEY CITY, NJ 07306

Docket No.:

David M. Bordonì (1084)
00775.00062

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

NATHAN OTTERSON

Plaintiff(s),

-against-

GOLD COAST FREIGHTWAYS, INC. and RAUL SOTO

Defendant(s).

NOTICE OF REMOVAL AND RULE 7.1(A) STATEMENT

WILSON, ELSEER, MOSKOWITZ, EDELMAN & DICKER LLP

Attorneys For Defendants – GOLD COAST FREIGHTWAYS, INC. and RAUL SOTO

3 Gannett Drive
White Plains, NY 10604-3407
914.323.7000
